

RAYMOND C. CABALLERO
MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

**SPECIAL CITY COUNCIL MEETING
COUNCIL CHAMBERS
FRIDAY, JANUARY 17, 2003
2:00 P.M.**

The City Council met in special session at the above place and date at 2:05 p.m., Mayor Raymond C. Caballero presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Luis G. Sariñana and Anthony Cobos. Absent: Paul J. Escobar. Representative Sumrall left at 3:00 p.m.

AGENDA

Discussion and action on City's Legislative Agenda for 78th Texas Legislative Session

Mayor Raymond Caballero commented on the 2003 Proposed Legislative Agenda issues.
(Copy of Resolution and 2003 Proposed Legislative Agenda on file in the City Clerk's office)

The following City staff members commented on the process:

1. Ms. Rita Rodriguez, City Attorney
2. Mr. Charlie McNabb, Chief Administrative Officer

Mayor Caballero and Representatives Sariñana, Power and Cobos commented.

**CITY OF EL PASO 2003 PROPOSED LEGISLATIVE AGENDA
HEALTH AND MEDICAL**

Mayor Caballero and Representatives Cobos, Sariñana and Cook commented.

Ms. Rita Rodriguez, City Attorney, commented on requiring contractors to provide health insurance to employees for Best Value Procurement bids and excluding horizontal construction.

The following member of the public commented on reforming medical malpractice insurance by placing a maximum on malpractice lawsuits:

Dr. John Tune, Physician

1ST MOTION:

Motion made by Representative Cobos, seconded by Representative Sariñana and carried to move the discussion on "Health and Medical" legislative proposal to the forefront.

AYES: Representatives Sumrall, Rodriguez, Cook, Power, Sariñana and Cobos

NAYS: Representative Medina

ABSENT: Representative Escobar

2ND MOTION:

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to add the following language under the heading "Health and Medical": "that City Council supports medical malpractice insurance reforms; additionally, recalculate the disparity in Border Medicaid capitation rates and per capita expenditures and to eliminate the disparities in rates and expenditures and institute a 10% bonus for physicians providing Medicaid services along the Border for children under the age of 19".

Mayor Caballero suggested amending the language as follows: "whereas the City awards bids to contractors providing health insurance to its employees for all City contracts."

3RD MOTION:

Motion made by Representative Cook, seconded by Representative Power to include the language as suggested by Mayor Caballero.

4TH AND FINAL MOTION:

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to **APPROVE AS AMENDED**, the legislative proposal for "**HEALTH AND MEDICAL**" in the City of El Paso 2003 Proposed Legislative Agenda with the following language:

"to recalculate the disparity in Border Medicaid Capitation Rates and per capita expenditures, eliminate the disparities in rates and expenditures and institute a 10% bonus for physicians' providing Medicaid services along the Border regions to patients under age of 19 and to extend Best Value Procurement to all City contracts."

.....
 2003 CITY OF EL PASO PROPOSED LEGISLATIVE AGENDA
 RESOLUTION

Mayor Caballero and Representatives Cook, Power, Sariñana and Cobos commented on Paragraph E, under Section 1. General Policy & Procedures, of the Resolution, regarding the authority given to the City Attorney on behalf of the City during Legislative Session.

The following City staff members commented:

1. Ms. Rita Rodriguez, City Attorney
2. Mr. Charlie McNabb, Chief Administrative Officer

The following members of the public commented in favor of deleting Paragraph E:

1. Mr. Eddie Senegal, citizen
2. Mr. Jack Harper, citizen
3. Ms. Theresa Caballero, citizen
4. Ms. Marty Jobe, representing Jobe Concrete Products, Inc.
5. Mr. Humberto Arredondo, citizen
6. Ms. Lisa Turner, citizen

Representative Sariñana questioned whether or not monies had been budgeted for a Public Relations Officer and if an individual had been selected for that position.

The following City staff members explained that the position has been budgeted from the City Attorney's budget but the position has not been filled yet.

1. Mr. Charlie McNabb, Chief Administrative Officer
2. Ms. Rita Rodriguez, City Attorney

1ST MOTION:

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried **TO AMEND THE RESOLUTION LANGUAGE, UNDER SECTION 1. GENERAL POLICY AND PROCEDURES, B. 3.** to include:" Diminish the current authority . . .".

2ND MOTION:

Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to **DELETE PARAGRAPH E, UNDER SECTION 1. GENERAL POLICY AND PROCEDURES** of the Resolution language.

.....
CITY OF EL PASO 2003 PROPOSED LEGISLATIVE AGENDA
USE OF COMMERCIAL PAPER WITH ISSUANCE OF CERTIFICATES OF OBLIGATION

Representatives Sariñana, Medina and Cobos commented.

The following City staff member commented:

Mr. Bill Chapman, Deputy CAO of Financial and Administrative Services/Chief Financial Officer, gave the particulars.

MOTION:

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to **APPROVE** the legislative proposal for the "Use of Commercial Paper with issuance of Certificates of Obligation" in the City of El Paso 2003 Proposed Legislative Agenda.

.....
CITY OF EL PASO 2003 PROPOSED LEGISLATIVE AGENDA
SALES TAX ON GASOLINE/DIESEL FUEL

Mayor Caballero and Representatives Cobos, Sariñana and Medina commented.

The following members of the public commented:

1. Mr. Mike Rojas spoke in opposition.
2. Ms. Theresa Caballero spoke in opposition.
3. Ms. Lisa Turner recommended studying the "White Paper" from the U.S. Chamber of Commerce where the City receives \$1.80 back for every dollar the City invest in infrastructure.

MOTION:

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to **DELETE** the legislative proposal for "Sales Tax on Gasoline/Diesel Fuel" from the 2003 Proposed Legislative Agenda.

Representative Sumrall was not present for the vote.

.....
CITY OF EL PASO 2003 PROPOSED LEGISLATIVE AGENDA
ALLOW USE OF AUDIO RECORDINGS IN EL PASO MUNICIPAL COURTS OF RECORD

Mayor Caballero commented.

The following City staff member commented explained the procedure on scheduling court reporters.

Ms. Richarda Duffy Momsen, Municipal Clerk

The following member of the public commented:

Mr. Richard Cobb

MOTION:

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to **APPROVE** the legislative proposal to "Allow Use of Audio Recordings in El Paso Municipal Courts of Record" in the City of El Paso 2003 Proposed Legislative Agenda.

Representative Sumrall was not present for the vote.

.....
CITY OF EL PASO'S 2003 PROPOSED LEGISLATIVE AGENDA
INCREASE THRESHOLD AMOUNT FOR REFUNDING TAX OVERPAYMENTS

Representative Cook requested removing language "and non-governmental agencies".

The City Clerk called for public comment. There was no public comment.

MOTION:

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to **APPROVE** the legislative proposal of "Increasing Threshold Amount for Refunding Tax Overpayments" in the City of El Paso 2003 Proposed Legislative Agenda.

Representative Sumrall was not present for the vote.

.....
CITY OF EL PASO 2003 PROPOSED LEGISLATIVE AGENDA
ENVIRONMENTAL ISSUES ON THE TEXAS-MEXICO BORDER

The following City staff members commented:

1. Mr. Jesus Reynoso, El Paso City-County Health and Environmental District
2. Ms. Rita Rodriguez, City Attorney
3. Mr. Charlie McNabb, Chief Administrative Officer

The following members of the public commented:

1. Ms. Susan Austin
2. Ms. Martie Jobe
3. Ms. Theresa Caballero

1ST MOTION:

Motion made by Representative Sariñana, seconded by Representative Power to **DELETE** Bullet #4: "Assistance to Ciudad Juarez which may in turn will improve air quality in El Paso".

AYES: Representatives Power and Sariñana
NAYS: Representatives Rodriguez, Medina, Cook and Cobos
NOT PRESENT: Representative Sumrall

THE MOTION FAILED.

2ND MOTION:

Motion made by Representative Cook, seconded Representative Cobos to revise the language as follows" "Assistance to Ciudad Juarez which may in turn will improve air quality in El Paso ***as long as it is not an unfunded mandate.***"

3RD MOTION:

Motion by Representative Cook, seconded by Representative Sariñana and carried to **REVISE BULLET #5** of the 2003 Proposed Legislative Agenda – Environmental Issues on the Texas-Mexico Border to read as follows:

Enhanced funding for environment monitoring to better understand the nature of air quality problem in the El Paso Del Norte basin.

.....
CITY OF EL PASO 2003 PROPOSED LEGISLATIVE AGENDA
TRANSPORTATION

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to **APPROVE** the legislative proposal for "Transportation" in the City of El Paso 2003 Proposed Legislative Agenda.

Representative Sumrall was not present to vote.

.....
CITY OF EL PASO 2003 PROPOSED LEGISLATIVE AGENDA
EDUCATION

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to **APPROVE** the legislative proposal for "Education" in the City of El Paso 2003 Proposed Legislative Agenda.

Representatives Sumrall and Power were not present to vote.

.....
CITY OF EL PASO 2003 PROPOSED LEGISLATIVE AGENDA
FORT BLISS

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to **APPROVE** the legislative proposal for "Fort Bliss" in the City of El Paso 2003 Proposed Legislative Agenda.

Representatives Sumrall, Medina and Power were not present to vote.

.....
CITY OF EL PASO 2003 PROPOSED LEGISLATIVE AGENDA
OMNIBUS LEGISLATIVE POLICY

Representative Cook amended the "Omnibus Legislative Policy" language as follows: Mandate increased cost to cities, including environmental funding mandates.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to **APPROVE AS AMENDED** the legislative proposal for "Omnibus Legislative Policy" in the City of El Paso 2003 Proposed Legislative Agenda.

Representatives Sumrall and Power were not present to vote.

.....
CITY OF EL PASO 2003 PROPOSED LEGISLATIVE AGENDA
EXPAND USE OF SHORT-TERM MOTOR VEHICLE TAX

Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to **DELETE** the legislative proposal to "Expand Use of Short-Term Motor Vehicle Tax" in the City of El Paso 2003 Proposed Legislative Agenda.

Representatives Sumrall, Medina and Power were not present to vote.

.....
CITY OF EL PASO 2003 PROPOSED LEGISLATIVE AGENDA
VETERAN AFFAIRS

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to **APPROVE** the legislative proposal for "Veteran Affairs" in the City of El Paso 2003 Proposed Legislative Agenda.

Representatives Sumrall, Medina and Power were not present to vote.

.....
CITY OF EL PASO 2003 PROPOSED LEGISLATIVE AGENDA
CITY'S LEGISLATIVE POSITIONS ON MATTERS THAT MAY AFFECT THE CITY

The following City staff members gave the particulars:

1. Assistant Police Chief Richard Wiles
2. Mr. Charlie McNabb, Chief Administrative Officer

The following members of the public commented regarding the use of photographic traffic control systems:

1. Mr. Richard Gobb
2. Ms. Theresa Caballero
3. Mr. Martin, Martin Tire Co.
4. Ms. Martie Jobe

Mayor Caballero and Representative Cook commented.

1ST MOTION:

Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to **APPROVE** "City's Legislative Position on Matters That May Affect the City" legislative proposal.

Representative Sumrall, Escobar, and Power were not present to vote.

2ND MOTION:

Motion made by Representative Cobos, seconded by Representative Sariñana and carried to **DELETE** "Section D. Public Safety, Item 1, Support legislation that would authorize cities to implement photographic traffic control systems to enforce civil penalties."

AYES: Representatives Rodriguez, Sariñana, and Cobos

NAYS: Representatives Medina and Cook

Representatives Sumrall, Power, and Escobar were not present to vote.

Representative Cook revised the proposed language "Section C. Natural Resources, Item 2, Support legislation that would prevent TNRCC from implementing any program that has unfounded mandates".

3RD MOTION:

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to **DELETE** "Section C. Natural Resources Item 4, Support legislation re-establishing the State as the governing authority of the Waste Tire Recycling Tire Program."

Representatives Sumrall and Medina were not present to vote.

4TH MOTION:

Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to **DELETE** "Section F. General Government Item 5, Support legislation to create an exemption under the Texas Public Information Act and the Texas Open Meetings Act homeland security related information."

Representatives Sumrall, Medina and Power were not present to vote.

5TH MOTION:

Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to **DELETE** "Section F. General Government, Item 7, Support legislation that would exempt from public disclosure the audit working papers of auditors of political subdivisions."

Representatives Sumrall, Medina and Power were not present to vote.

6TH MOTION:

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** "Section F. General Government Item 8, Support legislation that would make the Public and Common Nuisance statutes more effective."

Representative Sumrall was not present to vote.

.....
CLOSING REMARKS

Representatives Sarinana, Cook, and Cobos commented.

The following City staff members commented:

1. Mr. Charlie McNabb, Chief Administrative Officer
2. Ms. Rita Rodriguez, City Attorney

The following members of the public commented:

1. Ms. Martie Jobe
2. Ms. Theresa Caballero, representing the Affordable Builder's Council

Motion made by Representative Cook, seconded by Representative Sariñana and carried to **POSTPONE FINAL ACTION** on the City's State Legislative Agenda until Tuesday, January 21, 2003, City Council meeting and to direct the Chief Administrative Officer to post to the web the revisions regarding the City's Legislative Agenda.

Representatives Medina and Power were not present for the vote.

.....
Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to **ADJOURN** this meeting at 5:20 p.m.
.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk